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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,385	11/09/2000	Robert Andrew Rhodes	RCA88797	3536

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EXAMINER

LY, ANH VU H

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 10/30/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,385

Applicant(s)

RHODES ET AL.

Examiner

Anh-Vu H Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claims 4 and 8 are objected to because they both claiming a method of claim 1, wherein the first format comprises a different modulation scheme as the second format. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Wilkes, T. et al (WO 97/29581). Hereinafter, referred to as Wilkes.

With respect to claims 1 and 5, Wilkes discloses in Fig. 2, a communications system for transmitting voice originated from originating phone 30 over the Internet 16 or VoIP, wherein voice packets are received at the receiving voice engine 34 (receiving a signal from a cable network) from the Internet 16 (cable network). Wherein, the Internet comprising a number of nodes interconnected by cables, etc... therefore, it is considered as a cable network by the examiner. Herein, received voice packets are compressed IP packets that matched the format of the cable network or Internet 16 (the signal representing internet protocol data packets of the voice call and being both modulated in a first format and compressed to match a format of the cable network). Voice packets are then reconstructed and decompressed (demodulating and decompressing the signal modulated in the first format) and transmitted to the receiving phone

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38 by PSN, cellular, PCS, cable telephone, or radio network 31. Herein, the transmitted voice signals to the receiving phone 38 are in the format of PSN, cellular, PCS, cable telephone, or radio network, which is different from the format of the Internet 16 (compressing the signal into a format of a home environment and modulating the compressed signal into a second format). Further, as illustrated in Fig. 2, the wirelessly transmitted voice signals are received by the receiving phone 38, demodulated, and decompressed to play to a user (wirelessly transmitted the signal compressed in the format of the home environment and modulated in the second format to a wireless device; and demodulating and decompressing the signal in the wireless device).

With respect to claims 2 and 6, Wilkes discloses in Fig. 2, receiving voice engine acts as a gateway for voice transmissions between the Internet and PSN network (first format is H.323 compliant).

With respect to claims 3 and 7, the limitation “wherein the first format comprises a same modulation scheme as the second format” is inherent to Wilkes. Wilkes discloses (page 12, lines 18-22) that the telephone is used to call an originating voice engine 32 (or receiving voice engine 24 attached to the receiving phone 38) via for example but not limited to, a publicly or privately switched telephone, a cellular switch, PCS, cable telephone, or radio 31. Therefore, network 31 can be a LAN network, then the first format comprising the same modulation scheme as the second format, IP format.

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With respect to claims 4 and 8, Wilkes discloses in Fig. 2, that first format is IP and second format is PCS format (first format comprising a different modulation scheme as the second format).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Laubach et al (US Patent No. 6,075,972) discloses CATV network and cable modem system having a wireless return path.

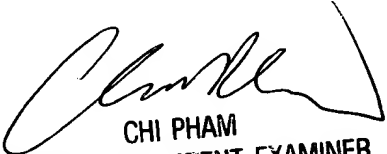
Gerszberg et al (US Patent No. 6,542,500) discloses network server platform for a hybrid coaxial/twisted pair local loop network service architecture.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 703-306-5675. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

avl


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 10/28/03